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**REQUEST TO BE FILED**  
**UNDER SEAL**

February 4, 2022

Hon. Vera M. Scanlon  
United States District Court  
Eastern District of New York  
225 Cadman Plaza South  
Brooklyn, NY 11201

**Re: CFTC v. Yehuda L. Belsky and Y Trading LLC, 1:18-cv-5408-NG-VMS**

Dear Judge Scanlon:

We write on behalf of our clients Yehuda Belsky and Y Trading LLC<sup>1</sup> to update the Court regarding Mr. Belsky's medical condition and to request a continued stay of these proceedings for an additional three months.<sup>2</sup> Mr. Belsky is also charged in a parallel criminal proceeding in this district, encaptioned *United States v. Belsky*, 18 Cr. 504 (ARR). Mr. Belsky's sentencing date in that case has been adjourned *sine die*, until he is found to be physically well enough and competent to proceed to sentencing.

**I. Procedural History**

This civil complaint was brought by the Commodity Futures Trading Commission ("CFTC" or "Plaintiff") on September 26, 2018. On November 19, 2018, this Court entered an Order, staying these proceedings until Mr. Belsky's aforementioned criminal case was resolved. On June 25, 2019, Mr. Belsky entered into a guilty plea to a superseding information, charging three felony counts related to securities fraud. The case was set for sentencing. Prior to sentencing however,

[REDACTED] The Hon. Allyne R. Ross has adjourned the criminal proceedings *sine die* pending Mr. Belsky's recovery.

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<sup>1</sup> Y Trading LLC is a single-member limited liability company, of which Mr. Belsky is the only member. It has no employees or any other representatives.

<sup>2</sup> We request leave to file this letter under seal because it contains Mr. Belsky's sensitive and private medical information.

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In these proceedings, this Court entered Orders on August 18, 2021 and October 29, 2021, finding that “[i]n light of the stay in the related criminal case, the requested stay is granted.” (ECF Minute Order, 10/29/2021.) The Court requested this status report to be filed on or before February 4, 2022.

## **II. Mr. Belsky’s Medical Condition**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **III. Request for Continued Stay of Proceedings**

Mr. Belsky's medical condition [REDACTED] continue to render him unable to assist counsel in his defense, or otherwise participate in this case or the parallel criminal case pending in this District before Judge Ross. For these reasons, Judge Ross has continued to stay Mr. Belsky's sentencing proceeding. And as this Court is aware, until Mr. Belsky is sentenced, he maintains his Fifth Amendment privilege. *See Mitchell v. United States*, 526 U.S. 314, 327, 119 S.Ct. 1307, 1314 (1999) (holding Fifth Amendment applies through sentencing: "[t]o maintain that sentencing proceedings are not part of 'any criminal case' is contrary to the law and to common sense. As to

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[REDACTED]

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the law, under the Federal Rules of Criminal Procedure, a court must impose sentence before a judgment of conviction can issue.”)

Because Mr. Belsky continues [REDACTED] and legally still maintains his Fifth Amendment privilege in these proceedings pending sentencing in the parallel criminal case, we respectfully seek to continue the stay of these proceedings for another 90 days to allow [REDACTED] and for him to resolve the criminal matter.<sup>4</sup> At a later date, if it is deemed that Mr. Belsky is unlikely to recover [REDACTED] to assist counsel in his defense, the parties can determine if a guardian *ad litem* is necessary to advance these proceedings.

Respectfully submitted,

/S/HEM

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cc: Counsel of record (*via ECF and email*)

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<sup>4</sup> The continued stay of this civil litigation does not prejudice the Plaintiff. Mr. Belsky’s financial circumstances, while dire, are also stable and unchanging. As he reported to the Probation Department in his criminal case, [REDACTED]

[REDACTED] Mr. Belsky’s family, consisting of his wife, Chana, and seven children (four of whom are minors), are subsisting largely on the largesse of other family members.